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OFFICE OF PETITIONS

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Patent No. 7,601,366 : DECISION ON REQUEST
Terlecky, et al. : FOR
Issue Date: October 13, 2009 : RECONSIDERATION OF
Application No. 10/533,124 : PATENT TERM ADJUSTMENT
Filed: December 27, 2005 : and
Atty Docket No. TERLECKY1A : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 14, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred fourteen (914) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred twelve (912) days¹ is **GRANTED to the extent indicated herein.**

¹ The "B" delay period is 529 days, not 531 days. In calculating the "B" delay period, patentee used the date of Saturday April 30, 2005, as the date the national stage commenced under 35 U.S.C. 371(b). In an international application, the "B" delay period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). The priority date of this application is October 30, 2002. The date that is 30 months from the priority date is Saturday, April 30, 2005. As the national stage cannot commence on a weekend or federal holiday, the date the national stage commenced in this application is Monday, May 2, 2005. Thus, "B" delay is 529 days, counting the number of days beginning on May 3, 2008, and ending on October 13, 2009, the date of issuance. See 1.703(b).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by nine hundred twelve **(912)** days.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,601,366 B2

DATED : Oct. 13, 2009

INVENTOR(S) : Terlecky, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (394) days

Delete the phrase "by 394 days" and insert – by 912 days--